

JUN 02 2004

OFFICIAL

PATENT
ATTORNEY DOCKET NO.: 030793-052100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ronald W. MINK et al.

Application No.: 09/973,956

Filed: October 11, 2001

For: DEVICE FOR COLLECTION AND
ASSAY OF ORAL FLUIDS

Group Art Unit: 1723

Examiner: D. SORKIN

MAIL STOP PETITION
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RENEWED PETITION, UNDER 37 C.F.R. § 1.78
FOR THE ACCEPTANCE OF A LATE CLAIM FOR PRIORITY

In response to the Decision on Petition mailed May, 28, 2004, Applicants have submitted a Second Proposed Amendment Under 37 C.F.R. § 1.312 is being filed to correct the CROSS-REFERENCE TO RELATED APPLICATIONS filed in the Proposed Amendment Under 37 C.F.R. § 1.312 filed February 19, 2002.

This application now claims benefit under 35 U.S.C. § 120 as continuation-in-part of U.S. Application No. 09/280,269, filed March 29, 1999, and as a divisional of U.S. Application No. 09/292,293, filed April 15, 1999, now U.S. Pat. No. 6,303,081. Applicants have amended Cross-Reference to indicate that it is U.S. Application No. 09/280,269 that claims benefit under 35 U.S.C. § 119 from U.S. Provisional Application 60/079,952, filed March 30, 1998.

The Decision on Petition mailed May 28, 2004 correctly pointed out that this application was filed October 11, 2001, over twelve months from the filing of the '952 provisional application. As discussed above, it is the '293 application, filed March 29, 1999, which claims priority to the '952 provisional application, filed March 30, 1998. The previously submitted Cross-Reference did not clearly set forth this relationship. Applicants have amended the specification to clarify the priority relationships.

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The Petitioner renews the requests that the claim for priority, under 35 U.S.C. §§ 119(e) and 120, set forth in the proposed amendment under 37 C.F.R. § 1.132, which accompanies this petition be accepted under the unintentional delay provisions of 37 C.F.R. § 1.78(a)(6). In support of this request, the Petitioner states that the entire delay between the date the claim for priority was due under 37 C.F.R. § 1.78(a)(5) and the date of filing this Petition and the Proposed Amendment was unintentional.

The Decision on Petition also points out that a Power of Attorney to the undersigned has not been filed in the subject application. A Revocation and Appointment of New Attorney also accompanies this renewed petition.

In accordance with the provisions of 37 C.F.R. 1.78(a)(6), any surcharge fee set forth in 37 C.F.R. § 1.17(i) or any other fee required for this renewed petition should be charged to Deposit Account No. 19-2380 (030793-052100). Further, any overage or shortage in the required payment, should be credited or applied to Deposit Account No. 19-2380 (030793-052100).

Respectfully submitted,

Date: June 2, 2004



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